

Instruction No. ~~A~~

Where the employer's records are inaccurate or inadequate, an employee has carried out her burden if she produces sufficient evidence to show the amount work performed as a matter of just and reasonable inference. The burden then shifts to the employer to come forward with evidence of the precise amount of work performed or with evidence to negative the reasonableness of the inference to be drawn from the employee's evidence. If the employer fails to produce such evidence, a jury may then award damages to the employee, even though the result is only approximate.

Refused
2/27/2019
John A. Roy

Proposed by Plaintiff. *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680, 687-88 (1946)